

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

(Please print or type)

Name of Customer: Jan Marcus Capper

Mailing Address: 1350 Butterfield Road

City: San Anselmo

State: CA

Zip: 94960

Account No: 1EM468

Taxpayer I.D. Number (Social Security No.): Redacted

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

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1. Claim for money balances as of **December 11, 2008:**

a. The Broker owes me a Credit (Cr.) Balance of \$ 0

b. I owe the Broker a Debit (Dr.) Balance of \$ 0

c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, **it must be enclosed**  
with this claim form. \$ N/A

d. If balance is zero, insert "None." None

2. Claim for securities as of **December 11, 2008:**

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

- |   | YES               | NO                |
|---|-------------------|-------------------|
| a. The Broker owes me securities        | <u>✓</u>          | <u>          </u> |
| b. I owe the Broker securities          | <u>          </u> | <u>✓</u>          |
| c. If yes to either, please list below: |                   |                   |

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)

See Nov. 30, 2008 1EM468 statements, attached hereto as Exhibit A.

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\$ 1,323,075.37 (market value of securities long, per 1EM468-3 statement)

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\$ 46,200.00 (market value of securities long, per 1EM468-4 statement)

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(\$ 65,240.00) (market value of securities short, per 1EM468-4 statement)

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TOTAL: \$ 1,304,035.37

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Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.

See Exhibits A and B, and documents submitted herewith.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	_____✓
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	_____✓
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	_____✓
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s).	_____	_____✓
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	_____✓
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	_____✓
9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.	_____	_____✓

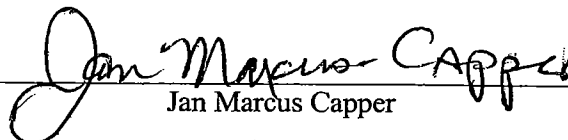
Please list the full name and address of anyone assisting you in the preparation of this claim form: Matthew A. Kupillas, Esq., Milberg LLP, One Pennsylvania Plaza, New York, NY 10119

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 6/6/09 Signature

  
Jan Marcus Capper

Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly,  
together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

## **Exhibit A**

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 834-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

JAN MARCUS CAPPER

1350 BUTTERFIELD ROAD  
SAN ANSELMO CA 94960

PERIOD ENDING  
**11/30/08**

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YOUR ACCOUNT NUMBER  
**1-EM468-3-0**

YOUR TAX PAYER IDENTIFICATION NUMBER  
**\*\*\*\*\*9497**

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12	728		3302	BALANCE FORWARD		76,733.58	
11/12	476		3804	WAL-MART STORES INC	52.830	40,673.24	
11/12	1,764		7628	INTERNATIONAL BUSINESS MACHS	67.270	41,559.52	
11/12	1,932		8130	EXXON MOBIL CORP	72.880	128,630.32	
11/12	924		12456	INTEL CORP	14.510	28,110.32	
11/12	1,260		16782	JOHNSON & JOHNSON	59.580	55,087.92	
11/12	672		21107	J.P. MORGAN CHASE & CO	58.530	48,597.80	
11/12	392		25433	COCA COLA CO	44.660	30,037.52	
11/12	728		29759	MCDONALDS CORP	35.370	21,720.04	
11/12	2,650		34085	BERCK & CO	28.550	20,813.40	
11/12	1,344		38411	MICROSOFT CORP	21.810	58,120.60	
11/12	532		51389	ORACLE CORPORATION	17.300	23,304.20	
11/12	308		51891	PEPSICO INC	56.410	30,031.12	
11/12	2,268		55715	APPLE INC	100.780	31,052.24	
11/12	532		56217	Pfizer Inc	16.940	38,509.92	
11/12	1,008		60041	ABBOTT LABORATORIES	54.610	29,073.52	
11/12	364		60543	PROCTER & GAMBLE CO	64.080	64,632.64	
11/12	700		64367	ANGEN INC	29.160	21,548.24	
11/12	1,680		64869	PHILLIP MORRIS INTERNATIONAL	43.800	30,548.00	
11/12	560		68693	BANK OF AMERICA	21.590	36,338.20	
11/12	1,820		69195	QUALCOMM INC	33.770	18,933.20	
11/12	420		73019	CITI GROUP INC	12.510	22,840.20	
11/12	1,008		73521	SCHLUMBERGER LTD	49.480	20,797.60	
				COMCAST CORP	16.510	16,682.08	
				CL A			
				CONTINUED ON PAGE 2			

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

BERNARD L. MADOFF  
INVESTMENT SECURITIES LLC  
New York □ London

JAN MARCUS CAPPER

1350 BUTTERFIELD ROAD  
SAN ANSELMO CA 94960

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DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12	1,988		77345	AT&T INC	27	53,755.00	
11/12	504		77847	CONOCORPHILIPS	52.510	26,485.04	
11/12	336		81671	UNITED PARCEL SVC INC CLASS B	52.040	17,498.44	
11/12	2,044		82173	CISCO SYSTEMS INC	16.730	34,277.12	
11/12	588		85997	U S BANCORP	29.530	17,386.64	
11/12	700		86499	CHEVRON CORP	73.430	51,429.00	
11/12	336		90323	UNITED TECHNOLOGIES CORP	53.160	17,874.76	
11/12	3,556		90825	GENERAL ELECTRIC CO	19.630	69,946.28	
11/12	952		94649	VERIZON COMMUNICATIONS	30.410	28,988.32	
11/12	84		95151	GOOGLE	337.400	28,344.60	
11/12	1,176		98975	WELLS FARGO & CO NEW	29.800	35,091.80	
11/12	840		99477	HEWLETT PACKARD CO	34.900	29,349.00	
11/12		1,225,000	21587	U S TREASURY BILL DUE 2/12/2009	99.936		1,224,216.00
11/12				FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 11/12/08	DIV		64.62
11/12		54,964	16686	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		54,964.00
11/12	5,521		26055	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	5,521.00	
11/19				FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 11/19/08	DIV		.68
				CONTINUED ON PAGE 3			

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11/19		5,521	51357	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		5,521.00
11/19	75,000		55965	U S TREASURY BILL DUE 03/26/2009	99.926	74,944.50	
11/19	14,465		60396	FIDELITY SPARTAN U S TREASURY MONEY MARKET NEW BALANCE	1	14,465.00	
	1,988 532 364 308 1,680 700 2,044 1,820 672 1,008			SECURITY POSITIONS AT&T INC ABBOTT LABORATORIES ANGEN INC APPLE INC BANK OF AMERICA CHEVRON CORP CISCO SYSTEMS INC CITY GROUP INC COCA COLA CO COMCAST CORP CL A CONOCOPHILIPS EXXON MOBIL CORP GENERAL ELECTRIC CO	MKT PRICE 28.560 52.390 55.540 92.670 16.250 79.010 16.540 8.290 46.870 17.340 52.520 80.150 17.170		
				CONTINUED ON PAGE 4			

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	84			GOOGLE	292.960		
	840			HEWLETT PACKARD CO	35.280		
	1,932			INTEL CORP	13.800		
	476			INTERNATIONAL BUSINESS MACHS	81.600		
	1,260			J.P. MORGAN CHASE & CO	31.660		
	924			JOHNSON & JOHNSON	58.580		
	392			MCDONALDS CORP	58.750		
	728			MERCK & CO	26.720		
	2,660			MICROSOFT CORP	20.220		
	1,344			ORACLE CORPORATION	16.090		
	532			PEPSICO INC	56.700		
	2,268			PFIZER INC	16.430		
	700			PHILLIP MORRIS INTERNATIONAL	42.160		
	1,008			PROCTER & GAMBLE CO	64.350		
	560			QUALCOMM INC	33.570		
	420			SCHLUMBERGER LTD	50.740		
	14,465			FIDELITY SPARTAN	1		
	588			U S TREASURY MONEY MARKET	26.980		
	336			U S BANCORP	57.600		
	75,000			UNITED PARCEL SVC INC	99.971		
	336			CLASS B	48.530		
				U S TREASURY BILL			
				DUE 03/26/2009			
				3/26/2009			
				UNITED TECHNOLOGIES CORP			
				CONTINUED ON PAGE 5			

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DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
				YEAR-TO-DATE SUMMARY			
				DIVIDENDS			
				GROSS PROCEEDS FROM SALES			
							680,785.8
							7,248,450.0

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Customer Claim

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Exhibit B -

Affiliated with  
 Madoff Securities International Limited  
 12 Berkeley Street  
 Mayfair, London W1J 8ED  
 Tel 020 7493 6232

885 Third Avenue  
 New York, NY 10022  
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11/12				BALANCE FORWARD			76,704.00
11/12	28	28	42737	S & P 100 INDEX NOVEMBER 450 CALL	15.800		44,212.00
11/12			47063	S & P 100 INDEX NOVEMBER 450 PUT	17.800	49,868.00	
11/19		28	33167	S & P 100 INDEX DECEMBER 430 CALL	26		72,372.00
11/19	28		37492	S & P 100 INDEX DECEMBER 420 PUT	30	84,028.00	
11/19	28		41817	S & P 100 INDEX NOVEMBER 460 CALL	3	8,428.00	
11/19		28	46142	S & P 100 INDEX NOVEMBER 450 PUT	37		103,572.00
				NEW BALANCE			154,998.00
				SECURITY POSITIONS			
		28		S & P 100 INDEX DECEMBER 430 CALL	MKT PRICE 23.300		
	28			S & P 100 INDEX DECEMBER 420 PUT	16.500		
				MARKET VALUE OF SECURITIES			
				LONG			46,200.00
				SHORT			65,240.00

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

## **Exhibit B**

**EXHIBIT B**

1. This Claim Form, exhibits, and supporting documentation (collectively "Claim Form") is submitted pursuant to the December 23, 2008 Order of the Honorable Burton R. Lifland and the instructions disseminated by Irving H. Picard, Trustee for Bernard L. Madoff Investment Securities LLC ("Trustee"), on December 11, 2008.
2. The information provided in the Claim Form is based on information provided in the Claimant's latest Madoff account statement and additional information known by the Claimant as of the date of the submission of the Claim Form. The Claimant reserves the right to amend and/or supplement this Claim Form upon the receipt of further information, or upon request by the Trustee for additional information.
3. The Claimant reserves the right to amend the Claim Form in the event of any recoveries by the Trustee or any other party under the avoidance powers of the Bankruptcy Code or otherwise, or in the event of rejections of executory contracts pursuant to Bankruptcy Code Section 365, whether such amendments are made pursuant to Bankruptcy Code Sections 105, 502(g), or 502(h), Bankruptcy Rule 3002(c)(3), (4), other provisions of applicable bankruptcy law, or general principles of law or equity.
4. The Claimant hereby requests that the Claim Form be considered as a proof of claim in *In re Bernard L. Madoff Investment Securities LLC*, No. 08-01789 (Bankr. S.D.N.Y.).
5. This Claim Form is required to be submitted pursuant to the Court's January 2, 2009 Order and the Trustee's instructions to the Claimant. To the extent permitted by applicable law, the Claimant does not, by submitting the Claim Form, consent to the jurisdiction of the Bankruptcy Court nor does Claimant waive any right to trial by jury.
6. The Claimant reserves all rights, claims, and/or defenses as to and/or against any and all parties potentially liable for the losses sustained by the Claimant, including, without limitation, Bernard L. Madoff Investment Securities LLC and its owners, partners, employees, and affiliates, as well as any potentially liable third parties including, without limitation, investment advisors, "feeder funds," accountants, and auditors.
7. The Claimant further reserves all rights, claims, and/or defenses as to and/or against any persons and/or creditors asserting claims against Bernard L. Madoff Investment Securities LLC, its employees, owners, and/or affiliates, in bankruptcy or otherwise.
8. The Claimant reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever, notwithstanding the submission of any such information to the Trustee.
9. To the extent the Claimant has disclosed to the Trustee documents containing accounting and/or legal advice, the Claimant does not waive any potential privileges applicable thereto.

*Claimant: Jan Marcus Capper (Account no. 1EM468)*

10. The Claimant reserves all rights with respect to submitting information to the Internal Revenue Service regarding gains, losses, and/or theft of assets.
11. The Claim Form and supporting documents contain confidential information. The Claimant submits this information to the Trustee subject to the condition that this information will not to be disclosed to any third parties, other than under seal to the Court, absent the Claimant's express consent or Court order.
12. The Claimant submits herewith documents in support of the Claimant's claim, including documents containing information regarding account transactions, such as contributions and/or withdrawals. The Claimant reserves any arguments that such documents are not relevant to the Trustee's inquiry. The Claimant further reserves the right to supplement this submission, including the submission of additional documents, if deemed necessary. Below is a list of the documents submitted herewith:

**2008**

- BMIS account statements for time period ending 11/30/08.